

SENATE BILL No. 193

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-3-6.

Synopsis: Impoundment of animals. Provides that, unless a bond sufficient to cover the care and keeping of an impounded animal is tendered, a court may not issue an order prohibiting an animal shelter from disposing of the impounded animal. Requires the owner of an impounded animal to reimburse the animal shelter for its expenses in keeping the animal if there was probable cause sufficient to charge the owner with a specified offense related to the animal, even if the owner is acquitted of the charges. Requires a probable cause for impoundment hearing to be held not later than ten days after the impoundment.

Effective: July 1, 2008.

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January 8, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 193

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-46-3-6, AS AMENDED BY P.L.171-2007,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 6. (a) This section does not apply to a violation of
4 section 1 of this chapter.

5 (b) Any law enforcement officer or any other person having
6 authority to impound animals who has probable cause to believe there
7 has been a violation of this chapter or IC 15-5-12-3 may take custody
8 of the animal involved.

9 (c) The owner of an animal that has been impounded under this
10 section may prevent disposition of the animal by an animal shelter that
11 is caring for the animal by posting, not later than ten (10) days after the
12 animal has been impounded, a bond with the court in an amount
13 sufficient to provide for the animal's care and keeping for at least thirty
14 (30) days, beginning from the date the animal was impounded. The
15 owner may renew a bond by posting a new bond, in an amount
16 sufficient to provide for the animal's care and keeping for at least an
17 additional thirty (30) days, not later than ten (10) days after the

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1 expiration of the period for which a previous bond was posted. If a
 2 bond expires and is not renewed, the animal shelter may determine
 3 disposition of the animal, subject to court order. **However, a court**
 4 **may not issue an order restraining an animal shelter from**
 5 **disposing of an animal unless an amount sufficient for the care and**
 6 **keeping of the animal is tendered to the animal shelter for the term**
 7 **of the order.** If the owner of an animal impounded under this section
 8 is convicted of an offense under this chapter or IC 15-5-12-3, the owner
 9 shall reimburse the animal shelter for the expense of the animal's care
 10 and keeping. **If the owner of the animal is not convicted of an**
 11 **offense under this chapter or IC 15-5-12-3, but there was probable**
 12 **cause to have charged the owner with an offense under this chapter**
 13 **or IC 15-5-12-3, the owner shall reimburse the animal shelter for**
 14 **the expense of the animal's care and keeping.** If the owner has paid
 15 a bond under this subsection, the animal shelter may euthanize an
 16 animal if a veterinarian determines that an animal is suffering extreme
 17 pain.

18 (d) If the owner requests, the court having jurisdiction of criminal
 19 charges filed under this chapter or IC 15-5-12 shall, **not later than ten**
 20 **(10) days after the owner's animal is impounded,** hold a hearing to
 21 determine whether probable cause exists to believe that a violation of
 22 this chapter or IC 15-5-12 has occurred. If the court determines that
 23 probable cause does not exist, the court shall order the animal returned
 24 to its owner, and the return of any bond posted by its owner.

25 (e) Whenever charges are filed under this chapter, the court shall
 26 appoint the state veterinarian under IC 15-2.1-2-50 or the state
 27 veterinarian's designee to:

- 28 (1) investigate the condition of the animal and the circumstances
- 29 relating to the animal's condition; and
- 30 (2) make a recommendation to the court under subsection (f)
- 31 regarding the confiscation of the animal.

32 (f) The state veterinarian or the state veterinarian's designee who is
 33 appointed under subsection (e) shall do the following:

- 34 (1) Make a recommendation to the court concerning whether
- 35 confiscation is necessary to protect the safety and well-being of
- 36 the animal.
- 37 (2) If confiscation is recommended under subdivision (1),
- 38 recommend a manner for handling the confiscation and
- 39 disposition of the animal that is in the best interests of the animal.

40 The state veterinarian or the state veterinarian's designee who submits
 41 a recommendation under this subsection shall articulate to the court the
 42 reasons supporting the recommendation.

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- 1 (g) The court:
 2 (1) shall give substantial weight to; and
 3 (2) may enter an order based upon;
 4 a recommendation submitted under subsection (f).
 5 (h) If a person is convicted of an offense under this chapter or
 6 IC 15-5-12, the court may impose the following additional penalties
 7 against the person:
 8 (1) A requirement that the person pay the costs of caring for an
 9 animal involved in the offenses that are incurred during a period
 10 of impoundment authorized under subsection (b).
 11 (2) An order terminating or imposing conditions on the person's
 12 right to possession, title, custody, or care of:
 13 (A) an animal that was involved in the offense; or
 14 (B) any other animal in the custody or care of the person.
 15 (i) If a person's right to possession, title, custody, or care of an
 16 animal is terminated under subsection (h), the court may:
 17 (1) award the animal to a humane society or other organization
 18 that has as its principal purpose the humane treatment of animals;
 19 or
 20 (2) order the disposition of the animal as recommended under
 21 subsection (f).

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